

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees : Holger Borchert, Uwe Dingerdissen
Application to Reissue Patent No. : 6,194,610 B1
Issued : February 27, 2001
Title : PROCESS FOR THE SELECTIVE PREPARATION OF ACETIC ACID USING A MOLYBDENUM AND PALLADIUM BASED CATALYTIC OXIDE
Group Art Unit : TBA
Examiner : TBA

745 Fifth Avenue
New York, NY 10151

INVENTORS' DECLARATION UNDER 37 C.F.R. 1.175

As below-named inventors, we hereby declare that and say that:

1. Our residence, post office address and citizenship are as stated below next to our name. We are making this Declaration in support of the application for reissue of U.S. Patent No. 6,194,610 B1, issued February 27, 2001 ("the reissue application", attached hereto), from U.S. application Serial No. 09/230,553, filed January 28, 1999 ("the original application"), with priority claimed from PCT application number PCT/EP97/03809, filed July 16, 1997, which claims priority from German Patent Application 19630832.1, filed July 31, 1996.

2. We verily believe ourselves to be the original, first and joint inventors of the invention described and claimed in U.S. Patent No. 6,194,610 B1 for which a reissue patent is sought on the invention and in the specification filed herewith. Also, by being the named inventors on the reissue application and the original application, and by our education, training

and experience, we are each qualified to render opinions concerning the subject matter of the reissue application.

3. We hereby state that we have reviewed and understand the contents of the aforementioned specification, including the original claims.

4. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to each of us to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

5. We hereby claim foreign priority benefits under Title 35, United States Code § 119 from PCT application number PCT/EP97/03809, filed July 16, 1997, which claims priority from German Patent Application 19630832.1, filed July 31, 1996 and state that no other application for patent or inventor's certificate or any PCT international application was filed by either of us on the same subject matter prior to July 31, 1996.

6. We do not know and do not believe that the invention was ever known or used in the United States of America before our invention thereof.

7. We verily believe the original U.S. Patent No. 6,194,610 B1 is partly inoperative because of an error made without any deceptive intention on the part of the applicants as set forth below. U.S. Patent No. 6,194,610 B1 is partly inoperative by reason of the applicants claiming less than we had a right to claim in the patent by at least failing to claim:

an "industrial large scale process for the selective preparation of acetic acid from a gaseous feed comprising ethane, ethylene or mixtures thereof plus oxygen at elevated temperature, which comprises bringing in a reactor the gaseous feed into contact with a catalyst ... $Mo_aPd_bX_cY_d$, ... where $a = 1$; $b > 0$; $c > 0$; and $d = 0-2$ ".

Accordingly claims 1 is too narrowly claimed by defining "d" as being "0.05-2".

8. We verily believe that the original U.S. Patent No. 6,194,610 B1 is partly inoperative because of an error made without any deceptive intent on the part of the applicants by reason of our claiming less than we had a right to claim in the patent by too narrowly claiming a catalyst for the selective oxidation of ethane, ethylene or mixtures thereof plus oxygen, where the catalyst should be defined as " $Mo_aPd_bX_cY_d$, ... where $a = 1$; $b > 0$; $c > 0$; and $d = 0-2$ ". Accordingly claim 11 is too narrowly claimed by defining "d" as being "0.05-2".

9. Accordingly, U.S. Patent No. 6,194,610 B1 is partly inoperative because of the errors noted above, as well as any other errors to be corrected herein that arose without any deceptive intention on the part of the applicants

10. We did not discover that the claims of the original patent claimed less than we had a right to claim until after the original patent was issued.

11. No claim was previously presented during prosecution of the above referenced issued patent that particularly claimed the method and the catalyst described in paragraph 7 and 8.

12. Amended claims 1 and 11 submitted with this application particularly point out the subject matter which we considered to be our invention and constitute the scope of protection to which we are entitled. By the omission of such amended claims, the original patent claims less than we had a right to claim (such that this reissue application does not seek to "recapture" any subject matter which was surrendered).

We hereby appoint William F. Lawrence, Registration No. 28,029, of Frommer Lawrence & Haug LLP or their duly appointed associates, our attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to

transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following address:

William F. Lawrence, Esq.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

Direct all telephone calls to: (212) 588-0800 to the attention of William F. Lawrence, Esq.
Facsimile: (212) 588-0500.

Wherefore we pray that we may be allowed to surrender the Letters Patent No. 6,194,610 B1 granted February 27, 2001, whereof Celanese Chemicals Europe GmbH, on whose behalf and with whose assent this application is made, is the sole owner, by Assignment, and that Letters Patent may be reissued to Celanese Chemicals Europe GmbH, for the same invention upon the attached specification.

I, the undersigned applicant, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Holger Borchert
Holger Borchert

05.11.01
Date

Residence: Offstein, Germany

Citizenship: German

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Uwe Dingerdissen
Uwe Dingerdissen

26. 10. 01

Date

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DEUTSCHE PATENT- UND MARKENAMMENSTELLE

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ASSENT OF ASSIGNEE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Celanese Chemicals Europe GmbH, the assignee of the full and entire right, title and interest in the above-mentioned Letters Patent by reason of the assignment from the inventors, recorded on January 28, 1999 in the U.S. Patent and Trademark Office at Reel 9905, Frame 0082, to the assignee Aventis Research & Technologies GmbH & Co. KG; further by reason of the assignment from Aventis Research & Technologies GmbH & Co. KG to the assignee Celanese GmbH, recorded on March 6, 2000 in the United States Patent and Trademark Office at Reel 010658, Frame 0961; and further through the name change of the assignee Celanese GmbH to the name Celanese Chemicals Europe GmbH, mailed for recordation in the United States Patent and Trademark Office on or about January 3, 2001, hereby assents to the accompanying application to reissue same.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Celanese Chemicals Europe GmbH, as assignee of the above-captioned reissue application, assents to this reissue application.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATE:

26.10.01

NAME:

DINGERDUSSEN, UWE

TITLE:

DR.

SIGNATURE:

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5.11.01

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TITLE:

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